



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

August 12, 2020

Mr. Brian Sears
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR2020-20156

Dear Mr. Sears:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 839773 (PIR# 20-1559).

The Texas Department of Public Safety (the "department") received a request for information related to a specified investigation. The department states it has released some information. Although you take no position as to whether the submitted information is excepted under the Act, you state release of this information may implicate the interests of the El Paso County Sheriff's Office (the "sheriff's office"). Accordingly, you state, and provide documentation showing, you notified the sheriff's office of the request for information and of its right to submit arguments to this office as to why the information at issue should not be released. *See* Gov't Code § 552.304 (providing that interested party may submit comments stating why information should or should not be released); *see also* Open Records Decision No. 542 (1990) (statutory predecessor to section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception in the Act in certain circumstances). We have reviewed the submitted information.

As of the date of this letter, we have not received comments from the sheriff's office explaining why the submitted information should not be released. Therefore, we have no basis to conclude the sheriff's office has a protected interest in the submitted information. Accordingly, the department may not withhold the submitted information on the basis of any interest the sheriff's office may have in the information. The department must release the submitted information.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at <https://www.texasattorneygeneral.gov/open-government/members-public/what-expect-after-ruling-issued> or call the OAG's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Public Information Act may be directed to the Cost Rules Administrator of the OAG, toll free, at (888) 672-6787.

Sincerely,

Kelly McWethy
Assistant Attorney General
Open Records Division

KM/jm

Ref: ID# 839773

Enc. Submitted documents

c: Requestor
(w/o enclosures)